

SB3413



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3413

Introduced 2/14/2014, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

230 ILCS 40/45

Amends the Video Gaming Act. Provides that no person may be licensed under the Act if that person has been convicted of any felony offense or a violation of Article 28 of the Criminal Code of 2012 or a similar law of any other jurisdiction or has been convicted of any other crime involving dishonesty or moral turpitude. Further provides that the Board may issue a license to a person who was convicted of a such a crime more than 10 years prior to his or her application and has not subsequently been convicted of any other crime and that a first conviction for driving under the influence is not considered a subsequent conviction if the convictions were more than 10 years apart.

LRB098 19889 ZMM 55643 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Video Gaming Act is amended by changing
5 Section 45 as follows:

6 (230 ILCS 40/45)

7 Sec. 45. Issuance of license.

8 (a) The burden is upon each applicant to demonstrate his
9 suitability for licensure. Each video gaming terminal
10 manufacturer, distributor, supplier, operator, handler,
11 licensed establishment, licensed truck stop establishment,
12 licensed fraternal establishment, and licensed veterans
13 establishment shall be licensed by the Board. The Board may
14 issue or deny a license under this Act to any person pursuant
15 to the same criteria set forth in Section 9 of the Riverboat
16 Gambling Act.

17 (a-5) The Board shall not grant a license to a person who
18 has facilitated, enabled, or participated in the use of
19 coin-operated devices for gambling purposes or who is under the
20 significant influence or control of such a person. For the
21 purposes of this Act, "facilitated, enabled, or participated in
22 the use of coin-operated amusement devices for gambling
23 purposes" means that the person has been convicted of any

1 violation of Article 28 of the Criminal Code of 1961 or the
2 Criminal Code of 2012. If there is pending legal action against
3 a person for any such violation, then the Board shall delay the
4 licensure of that person until the legal action is resolved.

5 (b) Each person seeking and possessing a license as a video
6 gaming terminal manufacturer, distributor, supplier, operator,
7 handler, licensed establishment, licensed truck stop
8 establishment, licensed fraternal establishment, or licensed
9 veterans establishment shall submit to a background
10 investigation conducted by the Board with the assistance of the
11 State Police or other law enforcement. To the extent that the
12 corporate structure of the applicant allows, the background
13 investigation shall include any or all of the following as the
14 Board deems appropriate or as provided by rule for each
15 category of licensure: (i) each beneficiary of a trust, (ii)
16 each partner of a partnership, (iii) each member of a limited
17 liability company, (iv) each director and officer of a publicly
18 or non-publicly held corporation, (v) each stockholder of a
19 non-publicly held corporation, (vi) each stockholder of 5% or
20 more of a publicly held corporation, or (vii) each stockholder
21 of 5% or more in a parent or subsidiary corporation.

22 (c) Each person seeking and possessing a license as a video
23 gaming terminal manufacturer, distributor, supplier, operator,
24 handler, licensed establishment, licensed truck stop
25 establishment, licensed fraternal establishment, or licensed
26 veterans establishment shall disclose the identity of every

1 person, association, trust, corporation, or limited liability
2 company having a greater than 1% direct or indirect pecuniary
3 interest in the video gaming terminal operation for which the
4 license is sought. If the disclosed entity is a trust, the
5 application shall disclose the names and addresses of the
6 beneficiaries; if a corporation, the names and addresses of all
7 stockholders and directors; if a limited liability company, the
8 names and addresses of all members; or if a partnership, the
9 names and addresses of all partners, both general and limited.

10 (d) No person may be licensed as a video gaming terminal
11 manufacturer, distributor, supplier, operator, handler,
12 licensed establishment, licensed truck stop establishment,
13 licensed fraternal establishment, or licensed veterans
14 establishment if that person has been found by the Board to:

15 (1) have a background, including a criminal record,
16 reputation, habits, social or business associations, or
17 prior activities that pose a threat to the public interests
18 of the State or to the security and integrity of video
19 gaming;

20 (2) create or enhance the dangers of unsuitable,
21 unfair, or illegal practices, methods, and activities in
22 the conduct of video gaming; or

23 (3) present questionable business practices and
24 financial arrangements incidental to the conduct of video
25 gaming activities.

26 (d-5) No person may be licensed under this Act if that

1 person has been convicted of any felony offense or a violation
 2 of Article 28 of the Criminal Code of 1961 or the Criminal Code
 3 of 2012 or a similar law of any other jurisdiction or has been
 4 convicted of any other crime involving dishonesty or moral
 5 turpitude. The Board may, in its discretion, issue a license to
 6 a person who was convicted of a crime described in this
 7 subsection more than 10 years prior to his or her application
 8 and has not subsequently been convicted of any other crime. A
 9 first conviction for driving under the influence under Section
 10 11-501 of the Illinois Vehicle Code is not considered a
 11 subsequent conviction under this subsection if the convictions
 12 were more than 10 years apart.

13 (e) Any applicant for any license under this Act has the
 14 burden of proving his or her qualifications to the satisfaction
 15 of the Board. The Board may adopt rules to establish additional
 16 qualifications and requirements to preserve the integrity and
 17 security of video gaming in this State.

18 (f) A non-refundable application fee shall be paid at the
 19 time an application for a license is filed with the Board in
 20 the following amounts:

- 21 (1) Manufacturer \$5,000
- 22 (2) Distributor..... \$5,000
- 23 (3) Terminal operator..... \$5,000
- 24 (4) Supplier \$2,500
- 25 (5) Technician \$100
- 26 (6) Terminal Handler \$50

1 (g) The Board shall establish an annual fee for each
2 license not to exceed the following:

- 3 (1) Manufacturer \$10,000
- 4 (2) Distributor..... \$10,000
- 5 (3) Terminal operator..... \$5,000
- 6 (4) Supplier \$2,000
- 7 (5) Technician \$100
- 8 (6) Licensed establishment, licensed truck stop
9 establishment, licensed fraternal establishment,
10 or licensed veterans establishment \$100
- 11 (7) Video gaming terminal..... \$100
- 12 (8) Terminal Handler \$50

13 (h) A terminal operator and a licensed establishment,
14 licensed truck stop establishment, licensed fraternal
15 establishment, or licensed veterans establishment shall
16 equally split the fees specified in item (7) of subsection (g).

17 (Source: P.A. 97-1150, eff. 1-25-13; 98-31, eff. 6-24-13;
18 98-587, eff. 8-27-13; revised 9-19-13.)